

Amendment No. 1 to SB0132

Crowe
Signature of Sponsor

AMEND Senate Bill No. 132*

House Bill No. 261

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Education to End Poverty Act".

SECTION 2. Tennessee Code Annotated, Section 71-3-104(h)(2)(B)(i), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(i)

(a) The children in the family attend and maintain satisfactory academic progress in school as defined in subdivision (h)(2)(C)(ii). These requirements apply to any child who does not have an individualized education program (IEP) or who is intellectually gifted; or

(b) The children in the family attend school. This requirement applies to any child who has an IEP and who is not intellectually gifted;

SECTION 3. Tennessee Code Annotated, Section 71-3-104(h)(2)(C), is amended by deleting subdivision (ii) in its entirety and by substituting instead the following:

(ii)

(a) Failure to comply with the requirements of a personal responsibility plan under subdivision (h)(2)(B)(i), without good cause, shall result in the parent or caretaker relative receiving a child only grant for the parent or caretaker until such time as compliance occurs.

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(b) As used in this subdivision (h)(2)(C)(ii):

(1) "Failure to comply with the personal responsibility plan under subdivision (h)(2)(B)(i)(a)" means failure of a child to comply with attendance requirements under title 49, chapter 6, part 30 or subdivision (g)(9); or failure of a child to maintain satisfactory academic progress;

(2) "Failure to comply with the personal responsibility plan under subdivision (h)(2)(B)(i)(b)" means failure of a child to comply with attendance requirements under title 49, chapter 6, part 30 or subdivision (g)(9); and

(3) "Satisfactory academic progress" means the child advances to the next grade, in accordance with state board of education requirements.

(iii)

(a) If the temporary assistance payment to a parent or caretaker is reduced due to the child's failure to maintain satisfactory academic progress pursuant to subdivision (h)(2)(C)(ii), the reduction shall be restored only to the parent or caretaker's subsequent temporary assistance payments upon the parent or caretaker providing documentary evidence, in person, to the department that the parent or caretaker has:

(1) Attended two (2) or more parent-teacher conferences and met with as many of the child's teachers as are in attendance at the child's parent-teacher conferences in the past year, or attended two (2) parent-teacher conferences since the child failed a course;

(2) Attended at least eight (8) hours of parenting classes since the time that the parent or caretaker received the first temporary assistance payment to which the reduction applied;

(3) Enrolled the child in and the child has attended an available and affordable tutoring program for each grade level or subject area that prevented the child from advancing to the next grade or from graduating. The child's completion of the tutoring program must be certified by the entity or individual providing the tutoring using criteria and documentation approved by the department. To meet the requirements of this subdivision (h)(2)(C)(iii)(a)(3), the child shall attend a minimum of eight (8) hours of tutoring per semester; or

(4) Enrolled the child in summer school in order that the child may obtain a passing grade in the failed subject or subjects that prevented the child from advancing to the next grade or from graduating. If the child receives a passing grade or grades in the summer school course or courses that permits the child to advance to the next grade or graduate, then the student shall have achieved satisfactory academic progress under subdivision (h)(2)(C)(ii).

(b) In the case of a home schooled student, the parent or caretaker shall only be eligible for restoration of a reduction based on the home schooled student's failure to maintain satisfactory academic progress by presenting documentary evidence, in person, to the department that the parent or caretaker has met the requirements for restoration under subdivisions (h)(2)(C)(iii)(a)(2) or (h)(2)(C)(iii)(a)(3).

(c) The department shall define by rule what documentary evidence shall be accepted for purposes of restoring a reduction in temporary assistance payment payments.

(d) All documentation relevant to establishing academic progress or restoring benefits shall be provided upon re-certification of the parent or caretaker relative's temporary assistance case.

(e) To the extent permitted by federal law, any moneys remaining as a result of reductions in temporary assistance payments based on a child's failure to maintain satisfactory academic progress shall be expended for purposes consistent with § 71-1-113, and shall not revert to the general fund at the end of the fiscal year.

(iv) Failure to comply with the personal responsibility plan as required under subdivision (h)(2)(B)(ii), without good cause, shall result in the parent or caretaker relative receiving a child only grant until such time as compliance occurs.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2013, the public welfare requiring
it.